No. 80-1292

FILED

MAR 18 1981

IN THE

# Supreme Court of the United States

OCTOBER TERM, 1980

**GILBERT P. JOHNSON and HERVEY M. JOHNSON, individually and derivatively on behalf of Penn Eastern Development Company,**

*Petitioners,*

v.

**SAMUEL J. TRUEBLOOD, ARNOLD E. TRUEBLOOD, HARVEY SALWEN, and PENN EASTERN DEVELOPMENT COMPANY,**

*Respondents.*

**On Petition For A Writ Of Certiorari To The United States Court Of Appeals For The Third Circuit**

## SUPPLEMENT TO PETITION FOR CERTIORARI


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## SUPPLEMENT TO PETITION FOR CERTIORARI

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Pursuant to Supreme Court Rule 22.6, petitioners desire to advise the Court of a development in the proceedings below which postdates the filing of the Petition for Certiorari. The development is that on February 10, 1981 the District Judge before whom this case was tried issued the following Order:

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

| | | |
|---|---|---|
| GILBERT P. JOHNSON and HERVEY M. JOHNSON, et al. | ) | |
| | ) | CIVIL ACTION |
| v. | ) | NO. 76-1002 |
| SAMUEL J. TRUEBLOOD, et al. | ) | |

ORDER

NOW, February 10, 1981, in consideration of the responses of counsel to my order of November 10, 1980, I recuse myself in this action and request that the Clerk by random selection assign this action including the pending fee petitions to another judge of this court.

/s/ DANIEL H. HUYETT, 3rd

The case has since been reassigned to another District Judge.

While these events do not directly affect the issues raised by the Petition for Certiorari (to which no response has been filed), they do bear upon the factual setting in which those issues arise. See, *e.g.*, pages 4-8, 9 n.16, and 13-14 of the Petition for Certiorari.

Respectfully submitted,

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